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Message Text

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61
ORIGIN SS-25

INFO OCT-01 ADP-00 SSO-00 CCO-00 NSCE-00 /026 R

DRAFTED BY L:GHALDRICH:ILM
8/1/73 EXT. 28460
APPROVED BY L:GHALDRICH
EA - MR. RIVES
S/S - MR. GAMMON
---------- 114073
Z 012251Z AUG 73 ZFF4
FM SECSTATE WASHDC
TO AMEMBASSY PHNOM PENH FLASH

S E C R E T STATE 151654

EXDIS

E.O. 11652:
TAGS: PFOR, CB

1. IN CONNECTION WITH THE PENDING COURT CASE CONCERNING US BOMBING IN CAMBODIA, THE SOLICITOR GENERAL HAS ASKED SECRETARY ROGERS TO PROVIDE AN AFFIDAVIT STATING THAT REINSTATEMENT OF THE LOWER COURT ORDER ENJOINING CONTINUED BOMBING WOULD RESULT IN IRREPARABLE HARM TO THE UNITED STATES. FOR CONTINGENCY PURPOSES SOLICITOR GENERAL WANTS AFFIDAVIT SIGNED MORNING AUGUST 2 WASHINGTON TIME.

2. DEPARTMENT IS NOW DRAFTING AFFIDAVIT. WOULD APPRECIATE SUGGESTIONS BY EMBASSY OF SPECIFICS THAT MIGHT BE INCLUDED SUPPORT FINDING OF IRREPARABLE HARM. FOR EXAMPLE, CAN WE SAY IN PUBLIC DOCUMENT THAT PLANNING FOR WITHDRAWAL OF CERTAIN EXPOSED FANK UNITS TO POSITIONS WHERE THEY CAN DEFEND THEMSELVES AND BE RESUPPLIED IN ABSENCE OF BOMBING HAS PROCEEDED ON BASIS OF AUG. 15 DATE AND THAT THOSE UNITS WOULD BE IMPERILED BY EARLIER BOMBING CUTOFF? WELCOME ANY OTHER SUGGESTIONS. NEED YOUR REPLY BY OPENING OF BUSINESS AUG. 2 IN WASHINGTON. ROGERS
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Draft Date: 01 AUG 1973
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Decaption Note: 25 YEAR REVIEW
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Disposition Approved on Date:
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Disposition Case Number: n/a
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